



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

WEDNESDAY, June 9, 2004

The Chief Clerk makes the following entries under the above date:

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 04-041

Relating to authorization to collect a returned check fee.
Submitted by Department of Financial Institutions.
Report received from Agency, June 1, 2004.
To committee on **Financial Institutions**.
Referred on June 9, 2004.

ADVERSE DISPOSAL

The following is a list of vetoed Assembly Bills in the possession of the Assembly at the end of the Veto Review Floorperiod and, therefore, failed to pass notwithstanding the objections of the Governor pursuant to Joint Rule 82.

Assembly Bill 4
Assembly Bill 67
Assembly Bill 85
Assembly Bill 126
Assembly Bill 131
Assembly Bill 144
Assembly Bill 228
Assembly Bill 255
Assembly Bill 260
Assembly Bill 261
Assembly Bill 267
Assembly Bill 411
Assembly Bill 423
Assembly Bill 431
Assembly Bill 503
Assembly Bill 516
Assembly Bill 551
Assembly Bill 595
Assembly Bill 598
Assembly Bill 633
Assembly Bill 665
Assembly Bill 733
Assembly Bill 735
Assembly Bill 746
Assembly Bill 833
Assembly Bill 858
Assembly Bill 908

The following is a list of partially vetoed Assembly Bills in the possession of the Assembly at the end of the Veto Review Floorperiod and, therefore, failed to pass partial vetoes notwithstanding the objections of the Governor pursuant to Joint Rule 82.

Assembly Bill 61, Wisconsin Act 48
Assembly Bill 123, Wisconsin Act 35
Assembly Bill 378, Wisconsin Act 31
Assembly Bill 859, Wisconsin Act 256
Assembly Bill 926, Wisconsin Act 310

COMMUNICATIONS

May 27, 2004

Jim Doyle, Governor
State of Wisconsin
115 East
State Capitol

State Representative John Gard
Assembly Speaker
211 West
State Capitol

Dear Governor Doyle and Speaker Gard:

I hereby resign the office of Wisconsin State Representative for the 85th Assembly District effective May 31, 2004. I will be sworn in as a Circuit Court Judge for Marathon County on June 1, 2004.

Respectfully,
GREG HUBER
State Representative
85th Assembly District

State of Wisconsin
Revisor of Statutes Bureau
Madison

DATE: June 1, 2004

TO: Patrick E. Fuller
Assembly Chief Clerk

Robert Marchant
Senate Chief Clerk

FROM: Gary L. Poulson
Assistant Revisor of Statutes

State of Wisconsin
Department of Administration
Madison

SUBJECT: Rules published in the May 31, 2004,
Wisconsin Administrative Register, No. 581.

May 28, 2004

The following rules have been published:

- Clearinghouse Rule 03-071 effective 6-1-2004
- Clearinghouse Rule 03-079 effective 6-1-2004
- Clearinghouse Rule 03-096 effective 6-1-2004
- Clearinghouse Rule 03-122 effective 6-1-2004
- Clearinghouse Rule 03-126 effective 6-1-2004
- Clearinghouse Rule 04-006 effective 6-1-2004

REFERRAL OF AGENCY REPORTS

State of Wisconsin
University of Wisconsin System
Madison

DATE: May 26, 2004

TO: Patrick E. Fuller
Chief Clerk, Wisconsin Assembly

Robert Marchant
Chief Clerk, Wisconsin Senate

FROM: Katharine C. Lyall
President, UW System

RE: Report under s. 36.55, Wisconsin Statutes

Enclosed please find the report required under s. 36.55, Wisconsin Statutes. It is not clear from records in my office whether you have received this information previously. Accordingly, I am providing all information available to date that responds to the statutory requirement. Please feel free to contact me, should you have any questions.

Referred to committee on **Colleges and Universities**.

State of Wisconsin
Department of Health and Family Services
Madison

May 27, 2004

To the Honorable, the Assembly:

The Department of Health and Family Services is pleased to submit to the Governor and the Legislature the *Wisconsin Tobacco Prevention and Control Program 2004 Annual Report*. The report is required by 2003 Wisconsin Act 33, Senate Bill 44, Section 2462, 255.15 (4).

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Health**.

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the "temporary reallocation of balances" authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of April 2004.

On April 7, 2004, the **General Fund** cash balance closed at an intramonth low of a negative \$6.35 million. The fund's cash balance closed at a positive \$1.96 million on April 8, 2004. The negative balance was due to a difference in the timing of revenues and expenditures.

On April 1, 2004, the **Medical Assistance Trust Fund** cash balance closed at a negative \$3.25 million. The Medical Assistance Trust Fund closed at an intramonth low of a negative \$38.01 million on April 28, 2004. The fund's cash balance closed at a negative \$37.57 million on April 30, 2004. The negative balance was due to a difference in the timing of revenues and expenditures.

On April 1, 2004, the **Historic Preservation Partnership Fund** cash balance closed at a negative \$118.0 thousand. The Historic Preservation Partnership Fund closed at an intramonth low of a negative \$170.0 thousand on April 15, 2004. The fund's cash balance closed at a negative \$130.0 thousand on April 30, 2004. The negative balance was due to the startup of the fund and a difference in the timing of revenues and expenditures.

On April 26, 2004, the **Common School Income Fund** cash balance closed at a negative \$422.0 thousand. The negative balance continued through April 30, 2004, when the fund's cash balance closed at a negative \$422.0 thousand. The negative balance was due to a difference in the timing of revenues and expenditures.

The General Fund, the Medical Assistance Trust Fund, the Historic Preservation Partnership Fund, and the Common School Income Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MARC J. MAROTTA
Secretary

Referred to committee on **Ways and Means**.

State of Wisconsin
Department of Health and Family Services
Madison

May 28, 2004

To the Honorable, the Legislature:

Pursuant to Section 50.04(5)(fr), Wis. Stats., effective June 17, 1998, the Department is required to submit an annual report to the Legislature related to Class A violations committed by nursing homes (including facilities for the developmentally disabled) and forfeitures assessed on nursing homes for those violations.

The Department issued 10 Class A violations to nursing homes between May 14, 2003 and May 7, 2004. The attached chart details these Class A violations, including the original forfeiture amount assessed and the status of payment. A second chart is enclosed showing the violations reported to the Legislature in May, 2003. At the time of the last submission, the majority of forfeitures had not been assessed. The enclosed chart shows the eventual forfeiture and its status.

It is the Department's goal to assess nursing home forfeitures within 120 days of the survey's exit. With additional temporary staff and realigning duties within the Bureau of Quality Assurance, the Department is now assessing forfeitures within 180 days of the survey exit. This is a vast improvement over one-year ago, when the Department was assessing forfeitures on surveys over a year old.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Aging and Long-Term Care.**

AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

May 24, 2004

To the Honorable, the Legislature:

I am pleased to submit our Annual Minority Business Report for fiscal year 2003. This fiscal year was especially significant as it marked the 20th year of the enactment of Wisconsin Act 390, which expanded the opportunities for minority owned firms to sell their goods and services to the state. Our celebration of this milestone included a proclamation by you declaring April 17, 2003 "Business Opportunities in the Government Sector Day."

In FY03, state agencies reported purchases and contracts with Wisconsin certified minority business enterprises of \$43,244,403.

While we welcome these and other achievements in FY03, it still fails short of our 5% goal. Several steps are underway to improve our MBE contracting efforts.

The Department of Transportation, for example, has met with the Director of the State Minority Business Program to review their practices. The University of Wisconsin-Madison campus has created a Minority Business Liaison to train and follow up on quarterly reports from prime vendors.

At the DOA, I have undertaken a number of internal policy initiatives designed to focus our efforts to meet the 5% goal. These include ensuring that at least one minority owned business is included in simplified bids.

Our Accolade Award, which recognizes the activities of private sector firms in providing opportunities to Wisconsin certified minority owned businesses, offers our private sector partners an incentive to strengthen their efforts to subcontract with MBE firms.

We will continue to provide the support and leadership to all state agencies to encourage new initiatives aimed at achieving our contracting goals.

Sincerely,
MARC J. MAROTTA
Secretary

State of Wisconsin
Legislative Audit Bureau
Madison

May 27, 2004

To the Honorable, the Legislature:

As required by s. 13.94 (1)(em), Wis. Stats., we have completed a financial audit of the Wisconsin Lottery, which is administered by the Department of Revenue. We have issued an unqualified opinion on the Wisconsin Lottery's fiscal year (FY) FY 2001-02 and 2002-03 financial statements.

Lottery ticket sales totaled \$435.0 million in FY 2002-03. This level of sales represents an increase of \$7.4 million over FY 2001-02. Property tax relief distributions increased from \$119.0 million in FY 2001-02 to \$129.6 million in FY 2002-03.

We are in the process of completing our biennial program evaluation of the Wisconsin Lottery. We anticipate issuing that report, which will focus on issues concerning contracting and game selection and development, later this summer.

We appreciate the courtesy and cooperation extended to us by the Department of Revenue.

Respectfully submitted,
JANICE MUELLER
State Auditor